

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff

-VS-

TURHAN MITCHELL

Defendant

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:
: CASE NO. 1:05 CR 156
:
:
:

:
:
: ORDER ACCEPTING PLEA AGREEMENT
: AND JUDGMENT AND NOTICE OF
: HEARING
:

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge William H. Baughman, Jr. regarding the change of plea hearing and plea agreement of Turhan Mitchell which was referred to the Magistrate Judge with the consent of the parties.

On 30 March 2005, the government filed a one-count indictment against Turhan Mitchell for felon-in-possession of a firearm in violation of 18 U.S.C. § 922(g)(1). On 29 April 2005, a hearing was held in which Turhan Mitchell entered a plea of not guilty before Magistrate Judge Nancy A. Vecchiarelli. On 8 September 2005, Magistrate Judge William H. Baughman, Jr. received Turhan Mitchell's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Turhan Mitchell is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Turhan Mitchell is adjudged guilty of Count One in violation of 18 U.S.C. § 922(g)(1).

Sentencing will be on 27 October 2005 at 10:30 a.m. in Courtroom 18-A, 18th Floor, the United States District Court, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE